

Serial No. 10/036,467



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C O N C R E T I O N
9/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jonas Örmin	Docket No.: LUND-0013 RPB REF: LUND-0013
Serial Number: 10/036,467	Art Unit: 2858
Filing Date: January 7, 2002	Examiner: Timothy DOLE
Title: A DEVICE FOR THE AUTOMATIC CONTROL OF JOINTS IN ELECTRICAL HIGH VOLTAGE LINES	

PETITION UNDER 37 CFR §1.78(a)(3)

Sir:

This is a Petition under 37 CFR §1.78(a)(3) to correct a domestic Priority claim in an Application filed under 35 CFR §111(a). In reviewing the Application while preparing a response to a First Office Action, Applicant noted that the PCT Application was incorrectly listed as a Foreign Priority claim on the cover sheet and Declaration.

The above-captioned application was filed claiming priority from PCT application Serial Number PCT/SE00/01462, filed on July 3, 2000. However the cover sheet and Declaration, due to clerical error, erroneously listed this as a foreign priority claim. After consultation with Ms. Carol Bidwell of PCT Special Programs Branch, applicant was advised to file a Petition under 37 CFR §1.78(a)(3) to correct this priority claim error.

Applicant has amended the Specification (Amended filed herewith) to make it clear that the present application is a Continuation under 37 CFR §111(a) of PCT application Serial Number PCT/SE00/01462, filed on July 8, 2000. Applicant has also submitted a Certified Copy of the Priority Document as requested by the Examiner. A corrected Declaration is also submitted herewith, correcting the typographical error noted by the Examiner and also correctly reciting the PCT application as a §120 Priority claim.

Applicant certifies that the entire delay in bringing this matter to the attention of the Patent Office was indeed unintentional. Applicant did not become aware of the error in mid-July of 2003, when preparing a response to the Office Action of dated June 4, 2003. Applicant contacted Ms. Jane Weir, formerly of PCT branch and now in private practice for advice on this matter. Ms. Weir suggested contacting Ms. Bidwell of PCT Special Programs Branch. Ms. Bidwell was contacted in July of 2003. Her assistance and advice are hereby acknowledged and appreciated.

Additional time from that date to the present were required to obtain a new declaration from the inventors, obtain a certified copy of the Priority Document, and to prepare a response to the outstanding Office Action (without which, the present response would be considered non-responsive). As the applicants reside in

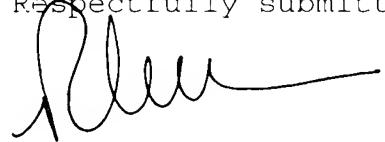
Sweden, it naturally took several weeks to obtain all the necessary paperwork.

However, applicant submits that the present Petition is not necessary, as it is clear from the application that this is a §111(a) application entitled to Priority from the Parent PCT Application, and it is only a minor clerical error that lists the PCT claim as "foreign" rather than "domestic". All of the information (Serial Number, filing date, etc.) was present in the application to clearly identify the priority claim. In addition, since it is impossible to claim foreign priority from a PCT application, applicant submits that it would be clear to anyone that applicant's intent was to claim priority from the PCT application as a Continuation thereof.

However, Applicant defers to the decision of Petitions Branch in this regard. If the present Petition is indeed necessary to correct the Priority Claim, then the Commissioner is hereby authorized to charge any additional fees associated with this communication, including patent application filing fees and processing fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 50-1393**.

After processing of this Petition, please forward the present application to the Examiner for action on the merits.

Respectfully submitted,



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